

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LARRY SMITH,
Plaintiff,
v.
C. SCHUYLER, et al.,
Defendants.

Case No. [23-cv-03864-JSC](#)

**ORDER GRANTING EXTENSION OF
TIME AND SETTING NEW
DEADLINES FOR BRIEFING;
DENYING MOTION FOR
APPOINTMENT OF COUNSEL**

Re: Dkt. Nos. 42, 43

Plaintiff, a California prisoner proceeding without an attorney, filed this civil rights action under 42 U.S.C. § 1983. Good cause appearing, Plaintiff's motion for an extension of time to file an opposition to the joint summary judgment motion of Defendants Drs. Singh and Kalinjian is **GRANTED**. (ECF No. 43.) The deadline for this opposition is now **July 1, 2024**. The deadline for Plaintiff to oppose the separate summary judgment motion of Defendant Kathryn Bergen is also extended to **July 1, 2024**. These Defendants shall file a reply on or before **July 15, 2024**.

Plaintiff's late opposition to Defendants Doherty's motion for summary judgment is accepted as timely. Defendant Doherty has filed a reply brief, which is also accepted as timely.

Plaintiff has filed a motion for appointment of a lawyer to represent him in this civil rights case. There is no right to counsel in a civil case such as this. *See Lassiter v. Dep't of Social Services*, 452 U.S. 18, 25 (1981). The decision to request counsel to represent an indigent litigant under § 1915 is within "the sound discretion of the trial court and is granted only in exceptional circumstances." *Franklin v. Murphy*, 745 F.2d 1221, 1236 (9th Cir. 1984). Plaintiff feeling "a bit overwhelm[ed]" by the responsibilities for litigating this case and two other cases he has filed in the Eastern District of California does not necessitate his representation by a lawyer in the interests of justice. (ECF No. 42 at 3:14.) Plaintiff's papers has shown he is capable of presenting and arguing his claims and litigating this case on his own. Plaintiff's motion for appointment of

counsel is DENIED. Should referral for location of pro bono counsel become necessary at a later time, the Court will issue a referral order on its own; Plaintiff need and shall not request appointment of counsel in this Court again.

This order disposes of docket numbers 42 and 43.

IT IS SO ORDERED.

Dated: May 22, 2024


JACQUELINE SCOTT CORLEY
United States District Judge

United States District Court
Northern District of California